

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

No. 07-60381
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

KENNETH DOUGLAS PARKER, also known as Red

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:02-CR-25-4

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Kenneth Douglas Parker appeals the 24-month sentence he received upon revocation of his supervised release. He contends that the sentence is unreasonable because it exceeds the recommended guidelines range without legally sufficient reasons and because the district court failed to address specifically the concerns of 18 U.S.C. § 3553(a).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Because Parker raises these arguments for the first time on appeal, review is for plain error only. See *United States v. Jones*, 484 F.3d 783, 791 (5th Cir. 2007). The sentence thus must be upheld unless there is error that is plain and that affects both the appellant's substantial rights and the integrity of the proceedings. See *id.*

The sentence imposed, though in excess of the recommended guidelines range, was within the statutory maximum and thus was not plainly erroneous. *Id.* The district court was not required to mention explicitly the § 3553(a) factors, and its consideration of the requisite factors is implicit in the record. See *United States v. Smith*, 440 F.3d 704, 707 (5th Cir. 2006).

AFFIRMED.